

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 30, 1937.

The meeting was called to order at 10:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen G. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was dispensed with.

Mayor Miller moved that Saturday, October 16, be designated as "Forget-Me-Not Day" for the sale of flowers by the local chapter of the Disabled American Veterans of the World War, and that a proclamation to this effect be issued. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Judge D. J. Pickle, Attorney for C. A. McCoy, Manager of the Santa Fe Salvage Company, 216 East Sixth Street, appeared before the Council relative to a loading zone in front of his client's place of business. The matter was referred to the City Manager and Traffic Division for investigation.

Ralph Bickler petitioned the City Council for an appropriation in next year's budget for water mains, paving of roadways, and new fence at the City Cemetery. He also submitted a complaint against the dilapidated condition of the gate at the San Bernard Street entrance to the City Cemetery. The matters were referred to the City Manager and City Sexton for attention.

The following report of the Board of Adjustment was received:

"September 24, 1937

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on September 21, 1937, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the Board of Adjustment at a meeting held September 14, 1937, received a petition from Mrs. John D. Claybrook, Mrs. W. R. Mood, and Mrs. O. Eschberger, requesting the change in the Use Designation of all of the property fronting on both sides of Park Place from San Jacinto Street to Red River Street, petitions being attached hereto; and

WHEREAS, at the same meeting the Board heard Mrs. Claybrook plead for the change and also heard certain other property owners residing on the street in opposition to this change and received certain petitions and communications in opposition thereto, the same being attached hereto; and

WHEREAS, the Board of Adjustment at a meeting held September 21, 1937, again carefully considered this question and again heard certain residents in opposition to the change; and

WHEREAS, the Board caused a careful survey to be made of the occupancy of each residence on Park Place between San Jacinto Boulevard and Red River Street, showing the number of persons occupying said residences in addition to the family residing therein, a copy of said survey being attached hereto; and

WHEREAS, the petitioners for the change alleged numerous violations of the Zoning Ordinance on this street with respect to the number of boarders and lodgers housed by a number of the residents above the number permitted by the Zoning Ordinance, which in case of "A" Residence District is four lodgers or four boarders; and

WHEREAS, the attached survey shows that practically all of these violations occur between San Jacinto Boulevard and Waller Creek and that none appear to exist between Waller Creek and Red River Street; and

WHEREAS, the Board of Adjustment, carefully investigated the neighborhood and carefully considered the question with respect to the interest of the property owners along this street, the trend of development surrounding the University in this Section of the City, the effect on the value of property and especially the effect upon the traffic on Park Place and the safety, comfort, and general welfare of the neighborhood, therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT in view of existing conditions along portions of this street, the preponderant desire of the owners to maintain the present classification, and the hazardous traffic situation on this street, it is hereby recommended to the City Council that the zoning designation of all property fronting on both sides of Park Place between San Jacinto Boulevard and Waller Creek be changed from "A" Residence District to "B" Residence District, even though deeds to the various parcels of property may carry their own restrictions against the use of the property for apartments, boarding houses, or lodging house purposes, provided the same can be legally done, and that the remainder of the street between Waller Creek and Red River Street be not changed and remain in "A" Residence District for the following reasons:

1. That the survey of the property along this street clearly indicates that property owners of that portion of Park Place between San Jacinto Boulevard and Waller Creek have themselves, through violation and non-conformance with the ordinance, changed the character of this property by implied common consent.
2. That the location of this property, its relation to San Jacinto Boulevard and the University of Texas, renders it more desirable for "B" Residence purposes.
3. That the present conversion of this property to lodging and boarding house uses is not seriously affecting public safety along this portion of the street with respect to traffic hazards.
4. That, on the other hand, the other portion of the street from Waller Creek to Red River Street is essentially different in character and the residents thereon are respecting the classification of their property by not violating the provisions of the ordinance and that this portion of the street on account of its development is for the present best adapted for residence "A" purposes.
5. That to change this portion of the street would cause very serious traffic situations in view of the fact that it is an extremely narrow, winding street and has some steep grades on it so that even at present accidents are frequent, therefore, if the density of population along each side were increased to the extent permitted in a Residence "B" District the traffic congestion would be increased beyond estimate and the lives of the residents along the street would be in constant danger, as well as those in line of traffic in automobiles; and
6. That the topography of the street and adjoining land and the present setback distances of the houses do not permit of sufficient widening of the street to accommodate the increased traffic resulting from such a change.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Mrs. J. D. Claybrook, property owner, was present and petitioned the City Council to authorize a change in the zoning of Park Place from "A" Residence District to "B" Residence District. A public hearing on the matter was accordingly set for Thursday, October 21, at 11:00 A. M.

It was the sense of the meeting that the carnival to be held under the auspices of the Chamber of Commerce and the 4-H Club at the City Market should also be given permission to show to the colored people at a designated location, a percentage of the proceeds from such show to go to the Old Negro Women's Home.

Councilman Gillis introduced a resolution and moved its adoption. The motion was seconded by Councilman Wolf. The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

AYES: Mayor Miller, Councilman Alford, Councilman Bartholomew, Councilman Gillis, and Councilman Wolf.

NOES: NONE.

The resolution is as follows:

RESOLUTION ACCEPTING AN OFFER OF THE
UNITED STATES OF AMERICA TO AID, BY
WAY OF GRANT, IN FINANCING A PROJECT
THEREIN DESCRIBED.

WHEREAS, the United States of America has offered to aid the City of Austin, Texas, by way of grant, in financing the construction of a project fully described in said Offer; and

WHEREAS, it is deemed desirable that the said Offer be accepted by the City of Austin, Texas, at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

1. That the Offer of the United States of America, reading as follows:

"FEDERAL EMERGENCY ADMINISTRATION
OF PUBLIC WORKS

Washington, D. C.,

Dated: Sept 29 1937

Docket No. Texas 1854-DS

City of Austin
Travis County, Texas

1. Subject to the Terms and Conditions (FWA form No. 230) which are made a part hereof, the United States of America hereby offers to aid in financing the construction and necessary equipment of a City Hall and a Central Fire Station (herein called the "Project") by making a grant to the City of Austin, Texas (herein called the "Applicant") in the amount of 45 percent of the cost of the Project upon completion, as determined by the Federal Emergency Administration of Public Works, but not to exceed, in any event, the sum of \$112,500.

2. By acceptance of this Offer the Applicant covenants to begin work on the Project as early as possible but in no event later than 12 weeks from the date of this Offer and to complete such project with all practicable dispatch, and in any event within 12 months from the commencement of construction.

UNITED STATES OF AMERICA

Federal Emergency Administrator
of Public Works

By (Signed) E. W. Clark
For the Administrator"

be and the same is hereby in all respects accepted by the City of Austin, Texas.

2. That the City Manager be, and he is hereby authorized to do all things necessary and/or convenient to communicate the acceptance of said Offer to the United States of America, through the Federal Emergency Administration of Public Works, and to execute all other contracts, documents and transactions necessary on behalf of the City of Austin.

Councilman Alford moved that upon the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted taxicab driver's permits: Raymond A. Carter, 2200 Garden Street; Jess H. Vasquez, 1003 West 11th Street; Dillon Haworth McDaniel, 106 East 20th Street; and William Robert Porter, 106 East 20th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, Sam L. Busby, owner of the east 75 feet of Lot 3 and the west 10 feet of Lot 4, Block 19, Section 5 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of Wathen Avenue at a location east of Harris Boulevard and being locally known as 1411 Wathen Avenue, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved

the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Sam L. Busby, owner of the east 75 feet of Lot 3 and the west 10 feet of Lot 4, Section 5 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of Wathen Avenue at a location east of Harris Boulevard and being locally known as 1411 Wathen Avenue, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed on a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, L. B. Burnette, Jr., owner of the west 22-1/2 feet of Lot 16 and the east 37 feet of Lot 15 in Block 16, Section 3 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of Westover Road at a location west of Harris Boulevard, being known as 1509 Westover Road, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT L. B. Burnette, Jr., owner of the west 22-1/2 feet of Lot 16 and the east 37 feet of Lot 15 in Block 16, Section 3 of Pemberton Heights, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of Westover Road at a location west of Harris Boulevard, being known as 1509 Westover Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work

within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in OLIVE STREET westerly 656 feet from a point 100 feet west of Waller Street, the centerline of which gas main shall be 10 feet south of and parallel to the north line of said Olive Street.

Said gas main described above shall have a covering of at least 2-1/2 feet.

(2) A gas main in CURVE STREET across Olive Street intersection, the centerline of which gas main shall be 10 feet west of and parallel to the east line of said Curve Street.

Said gas main described above shall have a covering of at least 2-1/2 feet.

(3) A gas main in CANADIAN STREET from Haskell Street to Holly Street, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Canadian Street.

Said gas main described above shall have a covering of at least 2-1/2 feet.

(4) A gas main in HASKELL STREET from Canadian Street easterly 90 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said Haskell Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

(5) A gas main in ELTON LANE from Enfield Road south 565 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east line of said Elton Lane.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in UNIVERSITY AVENUE from East 30th Street south 233 feet, the centerline of which gas main shall be 8 feet east of and parallel to the centerline of said University Avenue.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

(2) A gas main in SPEEDWAY northerly 112 feet from a point 220 feet north of the north line of 45th Street, the centerline of which gas main shall be 7-1/2 feet west of and parallel to the east line of said Speedway.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

THAT the sum of \$87.50 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of refunding Liquor Permit #37, issued September 16, 1937, to the International Liquor House (Jim Gatouri). The State Liquor Board issued the State Permit in error and have refunded same, and ask that the City Permit also be refunded.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THERESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the first time and upon motion of Councilman Wolf, seconded by Councilman Gillis, the rule was suspended and the ordinance was passed to its second reading by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and upon motion of Councilman Wolf, seconded by Councilman Gillis, the rule was further suspended and the ordinance was passed to its third reading, by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and upon motion of Councilman Alford, seconded by Councilman Wolf, the ordinance was finally passed by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution was introduced:

WHEREAS, after hearing the matter and duly considering same, it is deemed just and equitable by the City Council to remit all penalties on the real estate taxes on the property hereinafter described, and to waive one-half the interest on same, involved in Suit No. 57,882, styled City of Austin vs. Mrs. Annie Bukewsky, et al, provided the taxes on the real estate and one-half the penalty shall be paid in full on or before October 10, 1937; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the penalties, amounting to \$10.68, and one-half the interest, amounting to \$25.47, against Lots 12 and 13, Block B, of N¹/₂57 "O", Free and Williams Addition to the City of Austin, Travis County, Texas, are hereby remitted, provided the taxes on the real estate and one-half the interest on the property involved in the above mentioned suit are paid on or before October 10, 1937.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholemew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion, duly seconded and carried, the meeting was recessed at 11:55 A.M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McCall City Clerk.